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October 1, 2004

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Federal Communications Commission  
Office of Secretary

**ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: *Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338  
Access to Confidential Materials – Supplemental Response

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,<sup>1</sup> the CompTel/ASCENT Alliance hereby submits the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by its counsel (the "Signatories"):

- Robert J. Aamoth, Partner, Kelley, Drye & Warren LLP; and
- Stephanie A. Joyce, Associate, Kelley Drye & Warren LLP.

The CompTel/ASCENT Alliance seeks access to confidential versions of documents filed in the above-referenced proceedings by MCI, AT&T, and United States Telecom Association ("USTA") (the "Parties"). All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

<sup>1</sup> *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd. 16292, Appendix A (2004) ("Protective Order")

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KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
October 1, 2004  
Page Two

As stated in the attached certificate of service, counsel for each party has been served, via Facsimile and Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, The CompTel/ASCENT Alliance requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the Parties. Any delay in the ability to review such confidential material would prejudice CompTel/ASCENT Alliance's ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely

A handwritten signature in black ink, appearing to read 'Stephanie A. Joyce', with a large, stylized initial 'S'.

Stephanie A. Joyce, Esq.

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

## APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 &amp; WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 30 day of September, 2004



Stephanie A. Joyce  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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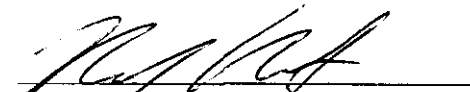
Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

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Executed at Washington, D.C. this 30 day of September, 2004



Robert A. Aamoth  
Partner

Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 1st day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by Hand Delivery\* and Electronic Mail\*\* to the following:

### USTA

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### MCI

Ruth Milkman\*  
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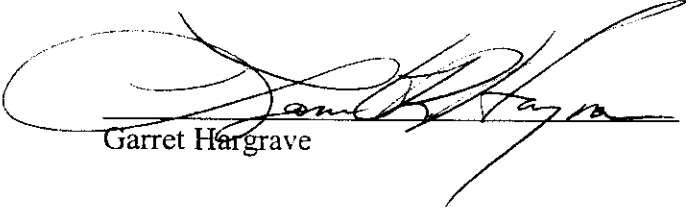
### FCC

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Garret Hargrave